



**U.S. Immigration
and Customs
Enforcement**

August 31, 2012

MICHAEL MORISY
MUCKROCK NEWS, DEPT MR 1367
P.O. BOX 55819
BOSTON, MA 02205-5819

Re: ICE FOIA Case Number 2012FOIA13868

Dear Mr. Morisy:

This is in further response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated May 30, 2012. You have requested a copy of any appeal letters submitted by FOIA requesters contesting a categorization other than News Media requester, who requested News Media categorization, as well as appeals against denying a fee waiver. Please limit the search to appeals, whether formal or informal, submitted between January 1, 2001 and the date this request is processed.

We conducted a comprehensive search within ICE's Office of the Principal Legal Advisor (OPLA) and the Freedom of Information Act Office (FOIA) for records that would be responsive to your request. OPLA produced 45 pages and FOIA produced 349 pages responsive to your request.

Your request has been considered under the FOIA, 5 U.S.C. § 552.

Of the 394 pages provided by OPLA and FOIA, I have determined that 340 pages will be released in their entirety while portions of the remaining 54 pages will be withheld pursuant to 5 U.S.C. § 552 (b)(6) as described below.

ICE has applied Exemption 6 to protect from disclosure names of DHS employees.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. The types of documents and/or information that we have withheld may consist of social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have the right to appeal ICE's withholding determination. Should you wish to do so, send your appeal and a copy of this letter to: U.S. Immigration Customs Enforcement, Office of Principal

Legal Advisor, U.S. Department of Homeland Security, Freedom of Information Office, 500 12th Street, S.W., Stop 5009 Washington, D.C. 20536-5009, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your appeal must be received within 60 days of the date of this letter. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge.¹

If you need to contact our office about this matter, please refer to case number **2012FOIA13868**. This office can be reached at (866) 633-1182.

Sincerely,

A handwritten signature in black ink, appearing to read "Catrina M. Pavlik-Keenan".

Catrina M. Pavlik-Keenan
FOIA Officer

Enclosure(s) 394 page(s)

¹ 6 CFR § 5.11(d)(4).